

Remarks

Preliminary Matters

Claims 1-2, and 4-21 are presented for reconsideration. Claims 1, 2, 4, 5, 7, 10, 11, 12, 13, 15 and 18 have been amended. Claim 3 has been canceled.

Applicant thanks Examiner Adnan Mirza for the courtesy of the interview held at the USPTO on 06 May 2008 with Applicant's representative, Sanford T. Colb (Reg. No. 26,856). At the interview, Mr. Colb presented a proposed amendment and argued the patentability of the amended claims over the cited reference (Gobin et al., U.S. Patent No. 6,745,229). Although no agreement was reached, Applicant has amended the claims as proposed.

Rejections Under 35 U.S.C. § 102

The Examiner has maintained his rejection of claims 1-2 and 4-21 were rejected under 35 U.S.C. § 102(e) as being unpatentable over Gobin et al., U.S. Patent No. 6,745,229 (Gobin). Applicant has amended the claims to more particularly define the invention.

The Examiner has asserted that each element of independent claims 1, 10 and 18 is disclosed in Gobin. Applicant respectfully disagrees. Both Gobin and the claimed invention concern transmission of information between servers across a data network, but the techniques are very different. Essentially Gobin discloses the use of proxies to transfer information between clients and servers. Amended independent claims 1, 10, and 18

recite copying a socket and transferring the copy directly to a queue for service of a client request by a download manager.

Submitted herewith is a Declaration under 37 C.F.R. § 132 which explains the differences in the communication technique and establishes in detail that elements of amended independent claims 1, 10, and 18 are lacking in Gobin. Applicant urges that Gobin does not anticipate amended independent claims 1, 10, and 18.

Independent claims 1, 10, and 18 as amended are patentable over Gobin because Gobin fails to teach or suggest, as required by independent claims receiving a request via a socket connection with a server, constructing a copy of the socket, maintaining an open connection between the client and the server via the copy of the socket and closing the original socket, enqueueing the copy of the socket with copies of other sockets in a queue to await service by a download manager, and executing the download manager to service the client request via the copy of said socket.

Dependent claims.

Dependent claims 2, 12, 18, 21 are directed to forcing a conversion of the copy of the socket to a non-blocking socket. As explained above, Gobin does not disclose copying a socket. In (col. 7, lines 45-56), Gobin describes three sockets. The original socket 22 (initiated by the client and corresponding to the first socket of Figure A of the Declaration under Rule 132) is blocking. Indeed, at line 57, Gobin states that all three of the sockets described block. But Gobin does not mention conversion of any of these sockets to non-blocking sockets.

Dependent claims 8, and 16 are directed to a technique for scaling the load on the server, thereby increasing the capability of a server to process more connections concurrently that would otherwise be allowed. These claims include duplicating (spawning) the download manager, forming a new queue, and handling new connections in one of the duplicates. None of this is found in Gobin. The text in Gobin noted by the Examiner (col. 2, lines 50-67) is a high level description of a system. The system includes a "dispatcher for receiving encrypted transactions from the web servers and dispatching them to specific application servers, and more specifically, to the online invoicing server" (col. 5, lines 28-29; Fig. 2). Applicant is unable to find any mention anywhere Gobin of creating multiple executing instances of the dispatcher.

Dependent claims 9, 17, 21 are directed to multi-threaded embodiments in which different threads are sued for client connections and the download manager, using non-blocking I/O. As noted above, all the sockets shown in Gobin block. Furthermore, Gobin is completely silent on the issue of threads. These elements are lacking in Gobin and in the case of non-blocking I/O, even contrary to the disclosure of Gobin.

Notwithstanding the patentability of independent claims, the above-noted dependent claims are independently patentable over Gobin because Gobin fails to teach or suggest conversion of blocking sockets to non-blocking sockets, duplication of a download manager for load scaling, or multi-threaded implementations of a download manager and client connections.

Support for Amendments.

In amended independent claims 1, 10, and 18, the element "maintaining an open connection between said client via said copy of said socket" is disclosed at paragraph [0037], which reads in part:

The client is not affected by the closing of the connection, as a copy of the open client connection socket now exists in the download manager 28, thus maintaining a communications channel between the download manager 28 and the client.

The element "enqueueing said copy of said socket with copies of other sockets in a queue to await service of said request" is supported, e.g., at paragraph [0039], Fig. 1 (queue 32), and paragraph [0040]; Fig. 2.

The element "executing said download manager process to service said request by transmitting said information to said client via said download manager process using said copy of said socket" is supported generally in paragraphs [0037]-[0041] and Fig. 2.

In claims 5 and 13, the element "request to download a file" is supported, e.g., at paragraph [0033], which reads in part:

The download manager 28, which is disclosed in further detail hereinbelow, is responsible for actually downloading the files 22 to the clients 12.

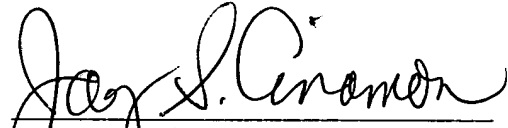
Concluding Matters

It is believed that the amendments and remarks presented hereinabove are fully responsive to all the grounds of rejection and objections raised by the Examiner, and that the Application is now in order for allowance.

Respectfully submitted,

ABELMAN, FRAYNE & SCHWAB
Attorneys for Applicant

By


Jay S. Cinamon
Attorney for Applicant
Reg. No. 24,156

666 Third Avenue
New York, NY 10017-5621
Tel.: (212) 949-9022
Fax: (212) 949-9190
Jay S. Cinamon